



Patil-SR

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 3098 OF 2021

Amrish Dinesh Soni. ...Petitioner.
V/s.
The State of Maharashtra & Another. ...Respondents.

WITH

WRIT PETITION NO. 2947 OF 2023

Sumit Devraj Chouhan. ...Petitioner.
V/s.
The State of Maharashtra & Another. ...Respondents.

Mr. K. M. Tripathi for the Petitioners.
Mr. J. P. Yanik, APP for the Respondent-State in WP No. 3098 of 2021
Mrs. M.H. Mhatre, APP for the Respondent-State in WP No. 2947 of 2023.
Mr. B. M. Thakur for Respondent No. 2.

**CORAM : A.S. GADKARI &
SHARMILA U. DESHMUKH, JJ.**

DATE : 5th September, 2023.

P. C. :

1. Petitioners, accused in C.C. No.3079/PW/2019 pending on the file of Metropolitan Magistrate, 68th Court, Borivali, Mumbai arising out of C.R. No.388 of 2018 registered with MHB Colony Police Station, Mumbai under sections 363, 323, 380, 441, 448, 504 and 506 read with

34 of the Indian Penal Code, have invoked jurisdiction of this Court under Article 226 of the Constitution of India and under section 482 of the Code of Criminal Procedure, 1973 for quashing of the said case / crime, with the consent of Respondent No. 2, the victim

2. Learned Advocate for the Petitioners submitted that, the Petitioners and Respondent No.2 have settled their matter amicably with the intervention of well-wishers and family friends and Respondent No.2 has given his consent for quashing of the present crime. He therefore prayed that, the said case/ crime may be quashed.

3. Mr. Thakur, learned counsel for Respondent No. 2 submitted that, Respondent No. 2 has filed Affidavits dated 19th January 2023 and 30th August 2023 respectively in the aforesaid petitions. Respondent No.2 has stated therein that, he has settled the matter amicably outside the Court with the Petitioners and is giving his consent and no objection for quashing of the said case.

Respondent No.2 is personally present in the Court and through his Advocate reiterates the contents of his Affidavits dated 19th January 2023 and 30th August 2023 and his 'no objection' for quashing the crime in question.

4. In view thereof, we are inclined to quash the said C.C.

No.3079/PW/2019 pending on the file of Metropolitan Magistrate, 68th Court, Borivali, Mumbai arising out of C.R. No.388 of 2018 registered with MHB Colony Police Station, Mumbai.

5. As we expressed our opinion for quashing of the said case, i.e., C.C.No.3079/PW/2019 pending on the file of Metropolitan Magistrate, 68th Court, Borivali, Mumbai arising out of C.R. No.388 of 2018 registered with MHB Colony Police Station, Mumbai, learned Advocate for the Petitioners on instructions submitted that, Petitioners will pay a cost of Rs.50,000/- each, totaling to Rs.1,00,000/-, to Central Police Welfare Fund within a period of two weeks from today. The said statement is accepted as an undertaking given to this Court.

6. We direct the Petitioners to pay a cost of Rs.50,000/- each, totaling to Rs.1,00,000/-, to the Central Welfare Fund within a period of two weeks from the date of uploading of present Order on the Official Website of Bombay High Court.

Details of the bank account for payment of cost are as under:-

Bank Name :- Axis Bank Limited.

Branch Name :- Worli, Mumbai (M.H.), Mumbai-400 025

Account Name :- Central Police Welfare Fund

Account Number :- 914010029005759

IFSC Code :- UTIB0000060

7. Petitioners to deposit the said cost of Rs.1,00,000/- within stipulated period as noted above and submit receipt of the same in the Registry of this Court.
8. In view of above and subject to payment of cost, both the petitions are allowed in terms of prayer clause (b).
9. It is made clear that, if the cost is not paid within stipulated period as mentioned above, the petitions shall stand revived automatically and in that event, the trial Court shall proceed with the said case expeditiously.
10. List the petitions on board on 29th September 2023, under caption 'for reporting compliance' of present Order.
11. All the concerned to act on the basis of an authenticated copy of this Order.

(SHARMILA U. DESHMUKH, J.)

(A.S. GADKARI, J.)